

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KENNETH R. KUNZER,

Case No. 0:20-cv-00882-JRT-KMM

Plaintiff,

v.

ORDER

LISA A. HINIKER, et al.,

Defendant.

On April 23, 2020, Plaintiff Kenneth Kunzer filed a “Notice of Removal” purporting to remove The Honorable John R. Tunheim pursuant to Minn. R. Civ. P. 63.03. ECF No. 4. Minnesota Rule of Civil Procedure 63.03 allows a party to remove a judge from a civil case in Minnesota State District Court by filing a notice pursuant to the rule. However, this is a federal case to which the Minnesota Rules of Civil Procedure do not apply. *See* Minn. R. Civ. P. 1 (“These rules govern the procedure in the district courts of the State of Minnesota in all suits of a civil nature....”). Accordingly, Mr. Kunzer’s motion to remove Judge Tunheim from this action is **DENIED**.

Date: April 27, 2020

s/Katherine Menendez

Katherine Menendez

United States Magistrate Judge